



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Estes et al.

Serial No.: 10/027,160

Group Art Unit: 1751

Examiner: G. Webb

Attorney Docket No. 1000276-0003

**Rule 132 Declaration in Response to
Office Action dated 09 July 2003**

Dear Sir:

With regard to the Office Action dated 09 July 2003, I am making this Rule 132 Declaration.

1. My name is Tremitchell Wright and I am a named inventor on this application. I graduated with a B.S. in Chemical Engineering from Tuskegee University in 1983. I graduated with a M.S. in Chemical Engineering from the University of New Mexico in 1985. I worked at Proctor & Gamble for 10 years in the corporate research department. For the last 9 years, I have worked at Whirlpool Corp. in fabric care chemistry. I submit this Declaration based on my general skill and knowledge in the industry and based on my precise experience in fabric care chemistry.

2. Perchloroethylene was the industry standard for fabric dry cleaning in 1997. Perc. has now been discovered to be a suspected carcinogen and has a severe impact on the environment. In the fabric dry cleaning industry, perc. is shipped to the cleaner in large barrels as a bulk fluid. The drum does not contain any other ingredient, much less a fragrance. To this day, perc. is still the industry standard.

3. In the fabric dry cleaning industry, if a fragrance is added to the wash cycle, it would be in combination with other ingredients. To be sure, dry cleaning bulk fluid is not mixed with fragrance until the laundering cycle is in progress.
4. The only other fabric care dry cleaning bulk fluid that may have been used in 1997 is a hydrocarbon. As with perc., the hydrocarbon was not mixed with fragrance until the laundering cycle began. Hydrocarbon solvents have serious issues related their flammability, difficulty in drying, and susceptibility to odors. Hydrocarbons used in commercial fabric dry cleaning have a KB value on average of around 40.
5. Perc. has a KB value of about 90. It is a very aggressive solvent and as such, damages certain clothes, such as sequins. It is nearly three times the value as now claimed for the working fluid.
6. A working fluid with a KB value less than 30, such as fluorinated carbons were not used in commercial fabric dry cleaning in 1997. Fluorinated carbons were only used, as far as I am aware, in industrial cleaning of machinery, parts, and equipment of various sorts.
7. Industrial cleaning of machinery using fluorinated carbons did not use a fragrance. In my opinion, there would be no need for a fragrance to be used where solvents are used in cleaning in a controlled environment (e.g., a fume hood or clean room) and/or where it does not matter if the item to be cleaned smelled of solvent. In addition, in delicate parts cleaning, such as circuit boards or computer chips, a fragrance may not be desirable because it would be left behind as a residue on the item cleaned.
8. I have reviewed the cited prior art and make the following comments.
 - 8.1. None of the cited prior art recites a fragrance used. Because no fragrance is used, there is no disclosure of a mixture with the bulk fluid prior to laundering.

8.2 The fluorinated carbons recited in the prior art generally fall into two categories: (a) those used for some type of permanent fixation with the underlying item; or (b) those used in industrial cleaning of non-fabrics. The Tokuyama reference is used in promoting healthy plant growth.

8.3 In my experience over the last 9 years in fabric care, I am not aware of industrial cleaners using mixtures of bulk fluid with fragrance with yet another ingredient. Furthermore, I am not aware of commercial fabric care dry cleaners using mixtures of bulk fluid with fragrance with any other ingredient prior to the start of the laundering cycle.

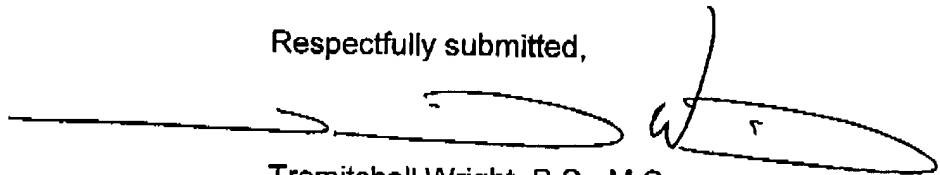
8.4. In the cited prior art, those references that discuss permanent fixation to the fabric is antithetical to the claimed invention as the invention as claimed requires that the working fluid be non-reactive with the fabric fibers. I would also consider all the prior art cited to be non-analogous art because the references either concern permanent fixation, flower growth, or industrial cleaning of machinery.

9. In my experience, if any company were to use fragrances with bulk fluids it would have appeared in 1997 or later in trade journals, catalogs, trade literature, etc. Since 1997 and later, I am still not aware of an industrial cleaner using a fragrance nor a commercial fabric care dry cleaner that use a fragrance with the bulk fluid prior to the laundering. To this day, it is my opinion that commercial fabric care dry cleaners, if they use fragrances at all, are using fragrances not in a mixture with the bulk fluid, but is added to the wash cycle substantially after the cycle has started.

10. I have reviewed the newly added claims 79, 86, and 87 and understand that fragrance, as a recited element, is missing from all the prior art cited. In my opinion, as stated above, fragrance was not present in 1997 in the manner now claimed. In addition, the compositions of claim 86 and 87 recite further ingredients added that form other mixtures; mixtures that are not present in the cited prior art nor part of the state of the knowledge in 1997.

11. I understand that this Declaration is submitted pursuant to 35 USC section 25 and 18 USC section 1001 and understand that willful false statements and the like may be punishable by fine or imprisonment or both.

Respectfully submitted,

A handwritten signature in black ink, consisting of a long horizontal line followed by a large, stylized loop and a vertical stroke.

Tremitchell Wright, B.S., M.S.